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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Implementation of Charter provisions related to assistance to third States affected by the application of sanctions

Draft resolution proposed by the Chairman of the Working Group on the implementation of Charter provisions related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned with the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution to those problems, in accordance with Article 50 of the Charter,

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Recalling also the 1994 1/ and 1995 2/ reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization containing sections on the consideration by the Committee of the proposals presented on the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

Recalling further:

(a) The report of the Secretary-General, entitled "An Agenda for Peace", 3/ in particular paragraph 41 thereof;

(b) Its resolutions 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", and 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures";

(c) The position paper of the Secretary-General, entitled "Supplement to An Agenda for Peace"; 4/

(d) The statement of the President of the Security Council of 22 February 1995; 5/

(e) The report of the Secretary-General prepared pursuant to the note by the President of the Security Council 6/ regarding the question of special economic problems of States as a result of sanctions imposed under chapter VII of the Charter of the United Nations; 7/

(f) The reports of the Secretary-General on "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)", 8/

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

2/ Ibid., Fiftieth Session, Supplement No. 33 (A/50/33).

3/ A/47/277-S/24111.

4/ A/50/60-S/1995/1.

5/ S/PRST/1995/9.

6/ S/25036.

7/ A/48/573-S/26705.

8/ A/49/356 and A/50/423.

Taking note of the report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, 9/

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the Security Council's intention expressed in the statement of the President of the Security Council of 16 December 1994 10/ as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations that there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also in this context the powers of the Security Council under Chapter VII of the Charter and the Council's principal responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to mandatory sanctions imposed by the Security Council,

Recognizing also the importance of taking into account in international mechanisms of cooperation and of economic and financial assistance special economic problems of States arising from the implementation of sanctions imposed under Chapter VII of the Charter,

1. Underlines the importance of consultations under Article 50 of the Charter of the United Nations, as early as possible, with third States which may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter and of early and regular assessments, as appropriate, of their impact on such States, and, for this purpose, invites the Security Council to consider appropriate ways and means for increasing the effectiveness

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9/ A/50/361.

10/ S/PRST/1994/81.

of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance, in the context of Article 50;

2. Welcomes the measures taken by the Security Council aimed at increasing the effectiveness and transparency of the sanctions committees, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States which find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. Requests the Secretary-General, within existing resources, to ensure that the Security Council and its Sanctions Committees are able to carry out their work expeditiously, and to make appropriate arrangements in the relevant parts of the Secretariat, in order to carry out, in a coordinated way, the following functions:

(a) To collate, assess and analyse information, at the request of the Security Council and its organs, on the effects of sanctions regimes in third States which are or may be specially affected by the implementations of sanctions and the resulting needs of such States, and keep the Security Council and its organs informed;

(b) To provide advice to the Security Council and its organs at their request on specific needs or problems of those third States and present possible options so that, while maintaining the effectiveness of the sanctions regimes, appropriate adjustments may be made to the administration of the regime or the regime itself with a view to mitigating the adverse effects on such States;

(c) To collate and coordinate information about international assistance available to third States affected by the implementations of sanctions and to make it officially available to the interested member States;

(d) To explore innovative and practical measures of assistance to the affected third States through cooperation with relevant institutions and organizations inside and outside the United Nations system;

4. Requests the Secretary-General to report to the General Assembly, at its fifty-first session, on the implementation of paragraph 3 and on possible guidelines which might be adopted on technical procedures to be used by the appropriate parts of the Secretariat:

(a) For providing better information and early assessments for the Security Council and its organs about the actual or potential effects of sanctions on third States which invoke Article 50 of the Charter;

(b) For developing a possible methodology for assessing the consequences actually incurred by third States as a result of the implementation of preventive or enforcement measures;

(c) For coordination of information about international economic or other assistance potentially available to those third States;

5. Stresses the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council;

6. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and States Members to continue to take into account and to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider ways and means for improving procedures for consultations in order to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

7. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1996, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter taking into consideration the report of the Secretary-General, 9/ the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fiftieth session of the General Assembly and, in particular, the implementation of the provisions of the present resolution.